

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN H. FAIR,

Petitioner,

V.

ROBERT HOUSTON,

Respondent.

4:07CV3063

# MEMORANDUM AND ORDER

This matter is before the court on Petitioner’s Motion For an Order to Comply and Produce (filing no. 32), Petitioner’s Motion for Extension of Time (filing no. 33), and Respondent’s Response to Petitioner’s Motions for Extension of Brief Date and to Comply and Produce (filing no. 31).

In Petitioner’s Motion for Extension of Time, he asks for a ninety-day extension of time to file his brief in response to Respondent’s brief on the merits of Petitioner’s habeas corpus petition. In Petitioner’s Motion to Comply and Produce, Petitioner asks the court to compel Respondent to provide him the “pin point” citation records that form the basis for Respondent’s brief.

In Respondent's Response to Petitioner's motions, he states that there is no objection to Petitioner's request for an extension of his brief date. Further, the Respondent acknowledges that he inadvertently failed to mail Petitioner copies of his brief's "pin point" citation records. Respondent states that he has since mailed Petitioner the citation records.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for an Order to Comply and Produce (filing no. 32) is denied as moot subject to reassertion if Petitioner does not receive Respondent's "pin point" citation records.

2. Petitioner's Motion for Extension of Brief Date (filing no. 33) is granted in part and denied in part. Petitioner shall have an extension of time until April 21, 2008 to file his brief in response to Respondent's brief. No later than 30 days after the filing of the Petitioner's brief, Respondent shall file and serve a reply brief.

3. The Clerk of court is directed to set a case management deadline using the following language: May 21, 2008 Habeas ripe for decision.

February 25, 2008.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge